

**CHAPTER 3
DISTRICT ADMINISTRATION**

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3.01 CLERK

A. The Board of Trustees shall annually select, from or outside of their membership, a clerk and, if deemed necessary, an assistant clerk.

B. Duties: The Clerk shall perform the duties as required by the Illinois Compiled Statutes.

C. Salary: The salary of the Clerk shall be determined by the Board of Trustees from time to time.

D. Bond: Before entering upon the duties of office, the Clerk shall execute a bond in such amount and with such sureties as may be required by law or by ordinance, conditioned upon the faithful performance of the duties of the office. The District shall pay the premium on such bond.

3.02 FINANCE DIRECTOR *Amended, 309, 306, 295, 283*

A. Finance Director: There is hereby created the position of Finance Director. The Finance Director shall be an at-will employee, hired by the Board of Trustees and be under the direct supervision of the Manager.

B. Duties and Functions, Generally: The Finance Director shall perform such duties as enumerated in the Code or other District ordinances, and such other duties as may be assigned or required by the Board of Trustees and the Manager from time to time. In addition:

1. The Finance Director shall be charged with preparing and safe keeping all financial records of the District including, but not limited to, monthly reports.

2. The Finance Director shall keep accounts showing at all times the fiscal condition of the District, including the current and anticipated revenues and expenses of all municipal funds and accounts.
3. The Finance Director shall prepare and keep all records required by law to be kept and shall prepare for signature and publication the annual financial report and any other report required by law.
4. The Finance Director shall prepare each month warrants for the payment of all sums due from the District, listing each invoice and the account number out of which it is payable; which warrant, when properly approved by the Board of Trustees, shall authorize the issuance of a voucher or check as provided by law or ordinance for the payment of each item. Approval of such list of invoices to be paid by the Board of Trustees on a roll-call vote shall constitute the Board of Trustees' approval of the payment of all expenses listed thereon; provided that the Board of Trustees may, in a motion to approve payment, except specific invoices from such approval, in which case such invoices shall not be paid.
5. The Finance Director shall report to the Board of Trustees and Manager.
6. It shall be the duty of the Finance Director to oversee the collection of all sums due the District, including, but not limited to, contracts, developer fees and connection fees, and keep the Board of Trustees and the Manager informed of such sums and all sums due on taxes and all other revenues to which the District is entitled.
7. It shall be the responsibility of the Finance Director, in cooperation with other District department heads, to prepare preliminary budget drafts for each fiscal year and submit same to the Manager for review and further action.
8. The Finance Director shall be responsible for supervising the annual audit of all District funds and shall give full cooperation to the District auditors so designated as prescribed by law and District ordinances.
9. The Finance Director shall make such other and further reports concerning the office and business transactions as may be required by the Board of Trustees from time to time.
10. Deposit the District funds in such legal depositories as designated in Section 3.02-C herein by the Board of Trustees, and shall keep the District funds separate and distinct from personal funds and all others, and shall not intermingle personal own funds or any others with the District funds, and shall not make private or personal use of the District funds.

11. Deposit all District funds in an interest bearing account within 48 hours of receipt.
12. Review current interest rates for deposited funds in the District's depositories and annually, solicit bank proposals for interest rates.
13. Serve as the Illinois Municipal Retirement Fund authorized agent.
14. Have an audit of the District books, records and accounts to show the receipts and disbursements of the District, to be conducted annually by an independent certified public accountant, selected by the Board of Trustees.
15. Perform such other duties as may be required by law or by ordinance.

C. **Depositories and Signatories:** Depositories for the District shall be the Castle Bank, Home State Bank/National Association, Crystal Lake Bank & Trust, Illinois Funds --- U.S. Bank, Lake in the Hills branch of the Illinois State Bank of Lake in the Hills owned by North Shore Bank and MB Financial and such other institutions and organizations designated from time to time by a formal motion of the Board of Trustees.

D. **Salary:** The salary for the Finance Director shall be determined by the Board of Trustees from time to time.

E. **Vacation of Office:** The Manager shall serve as ex-officio Finance Director until a separate appointment is made to fill such office.

F. **Bond:** Before entering upon the duties of office, the Finance Director shall execute a bond with a surety, in such an amount set by the Board of Trustees from time to time, sufficient to cover all deposits from which the Finance Director has power to withdraw or transfer funds. The surety bond shall be conditioned upon the faithful performance of the duties of the office, and indemnify the District against any loss due to any neglect of duty or wrongful act on the part of the Finance Director. The District shall pay the premium on such bond.

3.03 **ATTORNEY**

A. **Creation of Office and Appointment:** There is hereby created the office of District Attorney. The District Attorney shall be appointed by the Board of Trustees.

B. **Duties:** The District Attorney shall be the legal advisor of the District, and shall render service affecting the District whenever requested to do so by the Board of Trustees.

C. **Bond and Insurance:** The District Attorney shall not be required to furnish bond before entering upon the duties of the office. The District Attorney shall maintain minimum liability insurance in the amount of \$250,000.

3.04 **ENGINEER**

A. **Creation of Office and Appointment:** There is hereby created the office of District Engineer. The District Engineer shall be appointed by the Board of Trustees.

B. **Duties:** The District Engineer shall be the technical advisor of the District, and shall render advice upon all technical questions affecting the District whenever requested to do so by the Board of Trustees.

C. **Bond and Insurance:** The District Engineer shall not be required to furnish bond before entering upon the duties of the office. The District Engineer shall maintain minimum liability insurance in the amount of \$250,000.

3.05 **MANAGER**

There is hereby established the employee position of Manager, who shall be selected by a majority of the Board of Trustees. The Manager is designated and authorized to enforce this Code unless the District provides otherwise.

3.06 **BONDS of OFFICERS**

A. Every officer and employee of the District, as may be required so to do by law or by ordinance, before entering upon the duties of the office or position of employment, shall give a bond in such amount and with such sureties as may be required by law or by the Board of Trustees, which shall be subject to the approval of the Board of Trustees, and which shall be conditioned upon the faithful performance of the duties of the office or position of employment. Unless otherwise provided for by law or by ordinance, such bonds shall have as surety a company or corporation licensed to act as surety in the State of Illinois and to do business in the State of Illinois. The premiums of such bonds shall be paid out of the general funds of the District.

B. **Penalty Amounts:** The penalty of bonds of all appointed officers of the District shall be no less than \$25,000 as provided in the blanket coverage to the District through its general liability insurance policy.

3.07 **OFFICERS and EMPLOYEES of the DISTRICT**

A. **Application:** The provisions of this Section 3.07 shall apply to all officers and employees of the District, regardless of the time of the creation of the office or position of employment, and regardless of the time of the appointment of the officer or employment of the employee.

B. **Terms of Office, Vacancies:** Every appointed officer of the District shall hold office for a period of one year from the date of appointment, or until his successor is appointed, chosen or selected and has qualified.

C. Terms of Employment: Every employee of the District shall be employed at will and such employment may be terminated at any time, without cause, by a majority of the Board of Trustees.

D. Records: All records kept or maintained by any officer of the District shall be open to inspection by the President or any member of the Board of Trustees at all reasonable times, whether or not such records are required to be kept by statute or ordinance, except where state statute provides otherwise.

E. Monies Received: Every officer of the District shall turn over all monies received by him in his official position to the Finance Director, with a statement showing the source from which the same was received, and shall take the Finance Director's receipt therefor.

F. Oath: Before entering upon the duties of their respective offices, all officers shall take and subscribe the oath or affirmation as set forth in the Illinois Compiled Statutes.

G. Salaries and Wages: All officers and employees of the District shall receive such salaries or wages as may be provided from time to time by motion. No officer or employee receiving a salary from the District shall be entitled to retain any portion of any fees collected or received by him in the performance of his duties as a District officer or employee, in the absence of specific authorization to the contrary as may be provided by law or by ordinance.

H. Return of Records: Upon the termination of his office or employment, every officer and employee of the District shall deliver to his successor all books and records which, are the property of the District.

I. Operator's Certification: Thirty days after the District has received formal notification that an employee has been issued a subsequent level operator's license from a governmental agency, the monthly salary of that employee shall be increased as follows:

Class IV Operator's Certification:	\$ 50 per month
Class III Operator's Certification:	\$ 50 per month
Class II Operator's Certification:	\$ 75 per month
Class I Operator's Certification:	\$100 per month

3.08 CORPORATE SEAL

The corporate seal of the District shall be as follows: "Lake in the Hills Sanitary District, McHenry County, Illinois."

3.09 FISCAL YEAR

The fiscal year of the District shall begin on May 1st of each year and end on April 30th of the following year.

3.10 POSSESSION of DISTRICT RECORDS

Within five days after written notification and request by the President or Clerk, any person who has been an officer of the District shall deliver to the Clerk all property, books and effects in his possession, belonging to the District, or pertaining to the office that was held. Upon his refusal to do so, he shall be liable for all damages caused thereby and subject to a fine of not less than \$500 for each violation; each day that the violation continues shall be considered a separate offense. The Clerk shall deliver those records deemed necessary to the successor in office to carry out his duties. The disposition of any District records shall be in accordance with the Local Records Act.

3.11 CODE of ETHICS

A. Declaration of Policy: The proper operation of democratic government requires that officers and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a Code of Ethics for all District officers and employees is adopted. The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for all District officers and employees by setting forth those acts or actions that are incompatible with the best interest of the District and by directing disclosure by such officers and employees of private financial or other interests in matters affecting District life.

B. Code of Ethics: The requirements set forth herein shall constitute a Code of Ethics establishing reasonable standards and guidelines for the ethical conduct of officers and employees of the District.

C. Definitions: In addition to the definitions in Appendix A, the following terms, whether capitalized or not, used in this Section 3.11 shall mean as follows:

Campaign for elective office means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state or local public office or office in a political organization, or the selection, nomination or election of presidential or vice-presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

Candidate means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 5/1-3 of the Election Code (10 ILCS 5/1-3).

Collective bargaining has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

Compensated time means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Section 3.11, does not include any designated

holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, “compensated time” includes any period of time when the officer or employee is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

Compensatory time off means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

Contribution has the same meaning as that term is defined in Section 5/9-1.4 of the Election Code (10 ILCS 5/9-1.4).

Employee means a person employed by the District, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

Employer means the District.

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

Intra-governmental gift means any gift given to an officer or employee of the District from another officer or employee of the District.

Inter-governmental gift means any gift given to an officer or employee of the District from a member or employee of the legislative branch of the government of the State, a judge or employee of the judicial branch of the government of the State, an officer or employee of the executive branch of the government of the State, an officer or employee of a unit of local government, home rule unit or school district, or an officer or employee of any other governmental entity.

Leave of absence means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

Officer means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

Political activity means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

Political organization means a party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 5/9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

Prohibited political activity means:

1. Preparing for, organizing or participating in any political meeting, political rally, political demonstration or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing or receiving payment for tickets for any political fund-raiser, political meeting or other political event.
3. Soliciting, planning the solicitation of or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective officer or on behalf of a political organization for political purposes or for or against any referendum question.
6. Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.

13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

Prohibited source means any person or entity who:

1. is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
2. does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
3. conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
4. has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

Relative means those people related to the officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather or grandmother of the officer's or employee's spouse and the officer's or employee's fiancé or fiancée.

D. Prohibited Political Activities:

1. No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the District in connection with any prohibited political activity.
2. At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).
3. No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued em-

ployment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

4. Nothing in this Section 3.11 prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Section 3.11.
5. No person either: (i) in a position that is subject to recognized merit principles of public employment; or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

E. Gift Ban:

1. Except as permitted by this Section 3.11, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section 3.11.
2. Exceptions: Section 3.11-E1 is not applicable to the following:
 - a. Opportunities, benefits, and services that are available on the same conditions as for the general public.
 - b. Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
 - c. Any (i) contribution that is lawfully made under the Election Code; or (ii) activities associated with a fund-raising event in support of a political organization or candidate.
 - d. Educational materials and missions.
 - e. Travel expenses for a meeting to discuss business.
 - f. A gift from a relative.
 - g. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official posi-

tion or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

- h. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section 3.11-E2h, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- i. Food, refreshments, lodging, transportation and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- j. Intra-governmental and inter-governmental gifts.
- k. Bequests, inheritances and other transfers at death.
- l. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section 3.11-E2 is mutually exclusive and independent of every other.

- 3. Disposition of Gifts: An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Section 3.11 if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 3.11 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered or succeeded.

F. Complaints:

1. Complaints alleging a violation of this Section 3.11 shall be filed with the Clerk.
2. Within three business days after the receipt of a complaint, the Clerk shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Clerk shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three business days after receipt by the Clerk. The notices to the respondent and the complainant shall also advise them of the date, time and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.
3. Upon not less than 48 hours' public notice, the Board of Trustees shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Section 3.11, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. Within seven business days after receiving the complaint, the Board of Trustees shall issue notice to the complainant and the respondent of the Board of Trustees' ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Board of Trustees shall direct the Clerk to send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.
4. If the complaint is deemed sufficient to allege a violation of Section 3.11-D and there is a determination of probable cause, then the Board of Trustees' notice to the parties shall include a hearing date scheduled within four weeks after the complaint's receipt. Alternatively, the Board of Trustees may elect to notify in writing the District Attorney to prosecute such actions and request that the complaint be adjudicated judicially and the Board of Trustees' notice to the parties shall indicate this fact.
5. If the complaint is deemed sufficient to allege a violation of Section 3.11-D, then the Board of Trustees shall notify in writing the District Attorney to prosecute such actions and shall transmit to the District Attorney the complaint and all additional documents in the custody of the Board of Trustees concerning the alleged violation. The Board of Trustees notice to the parties shall indicate these facts.
6. If the Board of Trustees elects to hear a case brought under Section 3.11-

E, on the scheduled date and upon at least 48 hours' public notice of the meeting, the Board of Trustees shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

7. Within 30 days after the date the hearing or any recessed hearing of a case brought under Section 3.11-E is concluded, the Board of Trustees shall either: (i) dismiss the complaint; or (ii) issue a recommendation for discipline to the alleged violator and to the Manager or other officer having authority to discipline the officer or employee, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.
8. If the hearing on a case brought under Section 3.11-E was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Board of Trustees shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven days thereafter, the Board of Trustees shall publicly issue a final recommendation to the alleged violator and to the Manager or other officer having authority to discipline the officer or employee or impose a fine upon the violator, or both.
9. If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Board of Trustees shall render its decision as required under Section 3.11-F7) within seven days after the complaint is filed, and during the seven days preceding that election, the Board of Trustees shall render such decision before the date of that election, if possible.
10. A complaint alleging the violation of this Section 3.11 must be filed within one year after the alleged violation.
11. In the event a member of the Board of Trustees is the subject of an alleged violation of this Section 3.11, such Trustee shall immediately recuse himself or herself from the investigation of such alleged violation, and shall take no part in the final action of the Commission regarding such alleged violation.

G. Penalties:

1. A person who intentionally violates any provision of Section 3.11-D may be punished by a term of incarceration in a penal institution other than a

penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

2. A person who intentionally violates any provision of Section 3.11-E is subject to a fine in an amount on not less than \$1,001 and not more than \$5,000.
3. The Board of Trustees may levy an administrative fine of up to \$5,000 against any person who violates this Code of Ethics or who intentionally makes a false, frivolous or bad faith allegation.
4. In addition to any administrative fines imposed pursuant to Section 3.11-G3 above, any person who intentionally makes a false report alleging a violation of any provision of Section 3.11 to the Board of Trustees, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
5. A violation of Section 3.11-D shall be prosecuted as a criminal offense by the District Attorney by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.
6. A violation of Section 3.11-E may be prosecuted as a quasi-criminal offense by an attorney for the District, or the Board of Trustees, through the designated administrative procedure.
7. In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of this Section 3.11 is subject to discipline or discharge.

I. Distribution of Code of Ethics: The District Clerk shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the District within 30 days after enactment of this Code of Ethics. Each officer and employee elected, appointed or engaged hereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

3.12 **FREEDOM OF INFORMATION ACT** *Ord. 301*

A. District Philosophy: The public has the right to almost all information received and produced by the District. However, the Freedom of Information Act ("Act") does not require the District to create a record in order to meet a request for information. In addition, there are some exceptions, such as certain personnel information. Written requests for a record are filed with the District Clerk/Deputy Clerk who shall forward them to the Manager or Assistant District Manager. Requests are also a record and the Act requires that all requests be available to the

public. These records are maintained by the District Clerk/Deputy Clerk. In the event a request is denied, the requestor has the right to appeal the denial to the President of the Board of Trustees.

B. Procedure for Requesting Information:

1. At the end of this Chapter 3 is an example of a form, which is available from the District Clerk/Deputy Clerk. The completed form can be picked up in person or mailed, e-mailed or faxed to the requestor. Oftentimes information may be provided without completing a form.
2. The Act provides 7 business days for responding to requests for information. If the request is lengthy or for records that have been archived, maintained elsewhere or cannot be located, the District may need an extension to meet the request. If so, the requestor will be notified in writing. The Act provides for an additional 7 working days to meet the request. If the request is lengthy or confusing, the District may ask the requestor to schedule a meeting to determine and/or narrow what records are being requested.
3. Requested records can either be viewed or copied. Copy charges are 20 cents per page. For maps, plats, etc., the District's actual cost for having them reproduced will be the requestor's responsibility. For any records certified by the District Clerk, there is an additional charge of 20 cents per certification. When a request involves several pages, the requestor will be required to come to the District office to view the records and determine which records should be copied. In that event, the requestor shall be required to pay the copy charge before copies are made.
4. A list of all records that are generally accessible is available for public inspection at the District office, which is open Monday through Friday from 8 a.m. to 3:30 p.m.
5. In the event a request is denied and an appeal is filed with the President and denied, or the requestor feels the response was a denial, suit may be filed in the 19th Judicial Circuit Court.

3.13 **TRAVEL EXPENSE REIMBURSEMENT** *Ord. 377*

A. Interpretation: This section shall be interpreted to be consistent with the Local Government Travel Expense Control Act, 50 ILCS 150.

B. Definitions: As used in this section:

1. "Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

2. "Travel" means any expenditure directly incident to official travel by employees and officers of the District or direct payment to private agencies providing transportation or related services.

C. Official Business Requiring Expenses: Travel, meal, and lodging expenses will only be allowed for official business of the District which is necessary to the functioning or improvement of the District. If the business can be done remotely, no expenses will be allowed. All effort shall be taken to avoid expenses. This includes scheduling meetings within the District as opposed to offsite.

D. Entertainment Expenses: No entertainment expenses may be reimbursed.

E. Maximum Reimbursement: The maximum reimbursements allowed for expenses shall be:

1. Mileage: The current rate for mileage set by the Internal Revenue Service, if travel is made in vehicle driven by the employee or official (excepting travel in any District provided vehicle), with an additional \$30.00/day for parking or \$75.00/day for parking if travel reasonably requires overnight stay.
2. Meals (Breakfast, Lunch, Dinner): Up to three meals/day at \$45.00/meal or \$90.00/day, whichever is lesser.
3. Lodging: \$275.00/night, in addition to any applicable taxes.
4. Other Travel: \$50.00/day for any and all forms of transportation provided by method other than a vehicle driven by the employee or official.

F. Emergencies: In emergencies, amounts in excess of the above maximum limits may be permitted by the corporate authorities.

G. Expense Form: All anticipated and incurred expenses shall only be approved if submitted in the proper manner, including the information listed below.

H. Approval by the District Manager: The District Manager is responsible for approving expenses incurred by employees and officers which are under the amounts in subsection E.

I. Approval by Corporate Authorities: Any expenses incurred or to be incurred over the maximum levels in subsection E, and any expenses incurred or to be incurred by members of the corporate authorities, may only be approved if the following information is provided by the employee or Board Member in writing, signed and dated and approved by the President and Board of Trustees by a roll-call vote at an open meeting:

1. Name and Position (employee, trustee, etc.);

2. Date(s) for which reimbursement is requested;
3. Nature of the official business requiring this expense;
4. Detailed estimate of anticipated expenses OR explanation of expenses incurred; and
5. Any receipts for expenses already incurred must be attached to the submission; if a longer explanation is required, please provide additional information.

J. Public records: This policy and all forms submitted relative to this policy are public records.

K. No Right to Reimbursement: Nothing in this policy shall be construed as a right for any employee or officer to be reimbursed for expenses. No reimbursement may be given without approval by the President or the corporate authorities. Employees and officers should, to the extent possible, obtain prior approval of their anticipated expenses before incurring any expenses.

Freedom of Information Records Request Form

Name and Address: _____

Telephone: Daytime () _____ Evening () _____

Records Requested (*Please be specific*):

Inspect Records? Y N Copy of Records? Y N Certified? Y N

SIGNATURE: _____ **DATE:** _____

Note: There will be copy charge of 20 cents per 8.5 x 11” page; actual cost for any other size and 20 cents per certification.

Please complete this form and return to:

District Manager
Lake in the Hills Sanitary District
515 Plum Street
Lake in the Hills, IL 60156

If via e-mail: lithcj@attglobal.net
If via facsimile: 847/658-4523

Date Received: _____ By Whom: _____

Action Taken: _____

- _____ Unable to comply with request within 7 working days due to the following reasons:
- _____ Requested record(s) are kept in another location.
- _____ Request involves a large number of records and more time or narrowing of the request is required.
- _____ Requested recorded cannot be located or require an extensive search.
- _____ RECORDS WILL BE AVAILABLE BY _____.
- _____ Partial Compliance. Pursuant to Section 140/8 of the Act, certain material contained in the original request has been deleted or omitted because the material was found to be exempt.
- _____ Request Denied because _____

*
Number of pages in record(s) copied _____ Certified Y N Number: Y N
Total Charge: _____ Paid: _____ Check Number: _____
Received by: _____